



IOWA GENERAL ASSEMBLY

Administrative Rules Review Committee

THE RULES DIGEST

February 2014

Scheduled for Committee review Friday, March 07th, 2014 Room #116

Reference XXXVI IAB No. 16(02/05/14) XXXVI IAB No. 17(02/19/14)

HIGHLIGHTS IN THIS ISSUE:

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EDUCATION DEPARTMENT

9:30

Nutritional content standards, 02/05/13 IAB, ARC 1339C, NOTICE.

Rule 58.11 was first adopted in 2009. That rule consists of a chart detailing school dietary standards, which include limitations on sodium, calories, fats and trans-fat, sugar, and sports drinks. Carbonated beverages are prohibited. Caffeinated beverages and sports drinks may not be available to elementary students. The initial rulemaking was controversial and the Committee referred the rule to the General Assembly in 2009 (no delay); no further action was taken and no legislative action occurred.

This proposal eliminates the chart entirely and simply refers to "standards established by rule for the National School Lunch Program by the United States Department of Agriculture". These standards are found in 7 CFR Parts 210 and 220 (2013), and can be found at: http://www.gpo.gov/fdsys/pkg/FR-2013-06-28/pdf/2013-15249.pdf

The standards for food and beverages in the federal rules are the minimum standards that local school districts are required to meet. State agencies or local school districts may establish their own standards for non-program foods sold to children, as long as such standards are consistent with the federal standards.

It should be noted that the adoption by reference in rule 58.11 is not limited to a "date certain". That means that whenever the federal government changes the federal

standards, they will AUTOMATICALLY become part of Iowa's rules, without any further Iowa rulemaking, Gubernatorial review or Committee review. Essentially, this rulemaking delegates full responsibility for the nutrition program, now and in the future, to the federal government.

INSPECTIONS AND APPEALS

10:10

Background checks for hospital employees, 02/05/14 IAB, ARC 1304C, ADOPTED.

Iowa Code §§135B.34 and 135C.33, relate to criminal and child or dependent adult abuse record checks of employees of hospitals and health care facilities. Senate File 347 provides that if an individual with a criminal or abuse record is or was employed by a hospital and is hired by another hospital, the person remains subject to a record check. However, if the Department of Human Services previously evaluated the record and determined the record did not warrant prohibition of the person's employment, a reevaluation of the record is not required.

A person who has committed a crime or has a record of founded child or dependent adult abuse cannot be employed in a hospital unless an evaluation has been performed by the Department of Human Services. If a current employee is convicted of a crime or has a record of founded child or dependent adult abuse the employee is required to inform the employer within 48 hours of the criminal conviction or entry of the record of founded child or dependent adult abuse. Failure to do so within the required period commits a serious misdemeanor.

If the hospital receives "credible information", as determined by the hospital, that the employee has been convicted of a crime or a record of founded abuse the hospital shall act to verify credible information within 48 hours of receipt.

NURSING BOARD

10:30

Robert's rules of order, 02/05/13 IAB, ARC 1312C, NOTICE.

The Board of Nursing proposes to revise its rules of procedure. One change would eliminate any reference to "Robert's Rules of Order, Revised"; instead the board inserts

the statement: “The board proceedings shall be conducted to ensure that all members have equal rights, privileges and obligations.”

Roberts is the traditional authority used by state boards and commissions. This action means that the Board would operate with only limited rules of procedure, set out in chapter one along with the requirements of Iowa Code chapter 21, Iowa’s Open Meeting Law.

The elimination of Robert’s rules was done at the suggestion of the Attorney General’s office. Many licensing boards have already rescinded similar provisions. This issue is the subject of current legislation. House File 2385, now passed out of committee and eligible for House action, in part states: “Each board, commission, or other multimember agency shall follow Robert’s rules of order in governing the conduct of agency meetings unless it is inconsistent with Iowa law”.

COLLEGE STUDENT AID COMMISSION

11:30

Rural Iowa primary care loan repayment program, 02/19/13 IAB, ARC 1320C, ADOPTED.

This program is a state-supported and administered loan repayment program for students who agree to practice as physicians in a “service commitment area” for 60 consecutive months and meet other specified requirements. These areas are defined as “a medically underserved Iowa city with a population of less than 26,000 that is located more than 20 miles from a city with a population of 50,000 or more.” Ten awards are available each year, half each to the University of Iowa College of Medicine and Des Moines University College of Osteopathic Medicine.

The maximum amount of loan repayments that a physician can receive under the program, cannot exceed \$200,000. The service commitment area must agree to contribute \$20,000 into the program fund.

Priority will be given to students who are Iowa residents.

COLLEGE STUDENT AID COMMISSION

11:30

Rural Iowa ARNP and PA loan repayment program, 02/19/14 IAB, ARC 1321C, ADOPTED.

The rural Iowa advanced registered nurse practitioner and physician assistant loan repayment program is a state-supported and administered loan repayment program for applicants who agree to practice as advanced registered nurse practitioners or physician

assistants in service commitment areas for 60 consecutive months and meet other requirements. The Commission will annually determine the number of ARNPs and PAs that can be funded.

The maximum amount of loan repayments that a physician can receive under the program, cannot exceed \$20,000. The service commitment area must agree to contribute \$2,000 into the program fund.